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July 22, 1983

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Clerk  
U.S. District Court  
110 South Fourth Street  
Minneapolis, MN 55401

Re: United States of America, et al. v.  
Reilly Tar & Chemical Corporation, et al.  
Court Civil No. 4-80-469

Dear Sir:

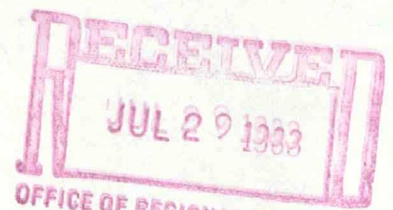
The enclosed Response of City of St. Louis Park to Request of Reilly Tar & Chemical Corporation for Production of Documents is needed for motions pending before the Court in the above action; the Response therefore should be accepted by you for filing pursuant to the Order of Magistrate Boline in this matter dated April 18, 1983.

Thank you for your cooperation in the filing of this document.

Very truly yours,

Kathleen M. Martin

KMM/jo  
Enclosure  
cc. All Counsel of Record



OFFICE OF REGIONAL COUNSEL  
EPA - REGION V

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July 22, 1983

The Honorable Paul A. Magnuson  
United States District Court Judge  
708 Federal Courts Building  
St. Paul, MN 55101

Re: United States of America, et al. v.  
Reilly Tar & Chemical Corporation, et al.  
Court Civil No. 4-80-469

Dear Judge Magnuson:

Reilly Tar & Chemical Corporation's second motion for an order compelling discovery will be heard by the Court on Friday, July 29, 1983, together with the first motion of Reilly Tar for an order compelling discovery. Plaintiff-intervenor City of St. Louis Park is not entering a formal response to Reilly Tar's second motion. The City of St. Louis Park wishes to advise the Court, however, that it supports the memorandum of the State of Minnesota in opposition to Reilly Tar's second motion.

Reilly Tar's second motion to compel production of documents is premised on the contention that the contents of the documents Reilly Tar seeks to have produced have twice been partially disclosed to Reilly Tar. Reilly Tar states that a chronology prepared by the Minnesota Pollution Control Agency and a chronology prepared by the City of St. Louis Park, which make reference to the memorandum of Mr. Lindall to Mr. Merritt, are evidence of the State's waiver of the attorney-client privilege and the work product doctrine. The chronology prepared by the City of St. Louis Park was

The Honorable Paul A. Magnuson  
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produced by the State of Minnesota to Reilly Tar. That chronology, however, was never produced by the City. If the Court construes the State's production of the City chronology as a waiver of the State's attorney-client privilege, it cannot conclude that the waiver applies to the City as well. Simply stated, the State of Minnesota cannot waive the City's protections of the attorney-client privilege and the work product doctrine.

Respectfully yours,

Allen Hinderaker

AWH/jo

cc. All Counsel of Record